

SEYFARTH SHAW LLP
Alfred L. Sanderson (State Bar No. 186071)
Kristina M. Launey (State Bar No. 221335)
Jason D. Glenn (State Bar No. 244470)
400 Capitol Mall, Suite 2300
Sacramento, California 95814-4428
Telephone: (916) 448-0159
Facsimile: (916) 558-4839

Attorneys for Defendant
WINCO FOODS, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANDI HOVATER, individually and on behalf of all similarly situated current and former employees of WINCO FOODS, LLC, and WINCO FOODS, INC.,)	Case No. 2-10-CV-00621-JAM-DAD
)	
)	ORDER DENYING PLAINTIFF'S MOTION TO REMAND
)	
Plaintiffs,)	Date: June 16, 2010
)	Time: 9:30 a.m.
v.)	Judge: Hon. John A. Mendez
)	Trial Date: None Set
WINCO FOODS, LLC, WINCO FOODS, INC. and DOES 1 through 10, inclusive,)	
)	Complaint filed: February 18, 2010
Defendants.)	
)	
)	
)	

Plaintiff Mandi Hovater's Motion to Remand came on for hearing before this Court on June 16, 2010, the Honorable John A. Mendez presiding. Marta Manus appeared on behalf of plaintiff, and Alfred L. Sanderson, Jr. appeared on behalf of defendant WinCo Foods, LLC. The Court, having read and considered all papers filed in conjunction with this motion and having considered the parties' oral argument at the hearing on the motion, orders as follows:

Plaintiff's Motion to Remand is hereby DENIED. Plaintiff argued that because only state law claims remain after the filing of a First Amended Complaint, the court has discretion to remand the case. The Court holds that, notwithstanding the filing of plaintiff's First Amended Complaint and the dismissal of former plaintiff Jackson, it retains subject matter jurisdiction

1 because it had diversity jurisdiction at the time of defendant's timely removal. *See Williams v.*
2 *Costco Wholesale Corp.*, 471 F.3d 975, 976 (9th Cir. 2006).

3 For these reasons, plaintiff's Motion to Remand is DENIED.

4 **IT IS SO ORDERED.**

5
6 Dated: June 23, 2010

/s/ John A. Mendez

Hon. John A. Mendez
UNITED STATES DISTRICT JUDGE